



University of
St Andrews

Witness guidance

Document type	Guidance
Scope (applies to)	Staff and students
Applicability date	16/03/2022
Review / Expiry date	31/03/2024
Approved date	16/03/2022
Approver	Deputy Director
Document owner	Human Resources Officer
School / unit	Human Resources
Document status	Published
Information classification	Public
Equality impact assessment	None
Key terms	Staff/Employee relations/Conduct management
Purpose	Guidance for individuals who are asked to be a witness in a disciplinary process. This guidance also confirms the process for calling a witness to a hearing.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	New guidance to support the Disciplinary policy.	Published	Lisa Stewart HR	16/03/2022

Table of contents

1.	What to expect if you are asked to be a witness	3
2.	Expectation of the witness at a Hearing	4
3.	Process for calling a witness to be involved in a Hearing	4
4.	Version control	5

1. What to expect if you are asked to be a witness

1.1 The University recognises that being involved in a disciplinary process can be distressing for all parties including if you are asked to be a witness in a case. This guidance explains what you can expect if you are a witness.

1.2 The process starts when an allegation or issue is raised about an employee's conduct which needs to be investigated to ascertain if there is a case to answer.

1.3 Confidentiality

1.3.1 It is essential that everything relating to the case, including any meetings you are involved in or any correspondence you receive, is kept confidential. This means that you must not discuss your involvement with anyone else at work other than those dealing with the case. You must not discuss the case with the person who is the subject of the proceedings or other witnesses, if there are any. If you need more information about the process or your involvement, you should contact your [HR Business Partner](#).

1.3.2 During an investigation, witness statements will be confidential. The release of witness statements only occurs if the University is required to present the full case against an employee, i.e. if disciplinary action is recommended.

1.4 The Investigation process

- An Investigation Manager will be appointed to look into the allegation or issue that has been identified.
- The Investigation Manager will interview people involved in the case, including any witnesses to events.
- If you are identified as a witness, you may be asked to attend a meeting with the Investigation Manager who will have a note taker with them (usually a member of HR).
- If you are interviewed, a note of the meeting will be typed up and shared with you after the meeting so that you can confirm it accurately reflects what you said. The note will be a summary, i.e. it will not be a verbatim record.
- In some cases, the Investigation Manager may ask you to provide a statement rather than being interviewed in person.
- At the end of the investigation process, the Investigation Manager will produce a report which will include the note from your interview.
- If the investigation concludes that there is a case to answer, a Disciplinary Hearing will be arranged. The report will be shared with the individuals assigned to the disciplinary ("The Disciplinary Panel"), and the subject of the Disciplinary.
- Your involvement will normally end after the investigation. You will not receive a copy of the report and you will not be told the outcome of the case as this must be kept confidential for data protection reasons.

Appendix A of the [Investigation Procedure](#) provides internal support contacts if you have any questions.

2. Expectation of the witness at a Hearing

- If you are asked to attend a hearing, you will be given advanced notice of this and be provided with a time slot to attend.
- You will be asked to provide your version of events and answer questions about your statement/or relevant events from the Panel and the subject of the Disciplinary.
- You will be expected to answer these questions honestly and as clearly as possible.
- Once you have had the opportunity to answer the questions, you will be thanked from the Panel for your time, and you can leave the hearing.
- You will not be told the outcome of the case as this must be kept confidential for data protection reasons.
- You must not discuss or disclose any information about the case to anyone else at work other than those dealing with the case. Confidentiality breaches are disciplinary offences and may be subject to disciplinary action being taken against you.

3. Process for calling a witness to be involved in a Hearing

- 3.1 It may be appropriate, from time to time, for relevant witnesses to be called to attend a disciplinary or appeal hearing. Witnesses may be called by the Chair where they are relevant to the case, for example, to provide expert opinion, to provide clarification to the Panel in relation to events, or to clarify inconsistencies. Witnesses will only be called to hearings when absolutely necessary.
- 3.2 The subject of the disciplinary may request to invite a witness to a hearing to support their case or to clarify witness statements provided at the investigation.
- 3.3 Witness requests must be provided to the Chair of the Panel in writing, including who they wish to call and the reasons for the request, at least 3 working days prior to the hearing.
- 3.4 Upon receipt of a request, it will be the decision of the Chair to review the request and decide if:
- further investigation is necessary before proceeding to a hearing;
 - a written statement can be submitted in response to the request;
 - the witness is called to the hearing (face to face or through audio-visual means, e.g. Microsoft Teams);
 - the witness interview should take place separately. Refer to 3.5 below.
- 3.5 Normally, when a witness is called to a hearing, they will be given a timeslot to attend however, in some cases, witness interviews will take place separately where the matter is of a sensitive or traumatic nature. In these cases, the Chair will direct questions to the witness (including points raised by the employee), and will relay the responses back to the employee separately.
- 3.6 The HR representative will make the arrangements to call the witness and provide them with the logistics of the hearing.

3.7 If the Chair requests that a witness is required to attend the hearing, they will inform the employee of this and who they will call at least 3 working days prior to the hearing.

4. Version control

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